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President: Mr. Kavan ..... (Czech Republic)

The meeting was called to order at 10.10 a.m.

Agenda item 26

Necessity of ending the economic, commercial and financial embargo imposed by the United States of America against Cuba

Report of the Secretary-General (A/57/264 and Add.1)

Draft resolution (A/57/L.5)

Mr. Aguilar Zinser (Mexico) (*spoke in Spanish*): Mexico bases its foreign relations on the principles of international law that regulate coexistence among nations and that are also established in my country's Constitution. These include the self-determination of peoples, non-intervention, the peaceful settlement of disputes, the prohibition of the threat or use of force, the legal equality of States, international cooperation for development and the struggle for international peace and security.

Mexico respects the inalienable right of all States to choose their own economic, political and social systems, in accordance with the will of their peoples, and considers that unilateral actions which contradict the norms of the international legal order and the aspirations of our peoples undermine the foundations of the United Nations. That is why my Government has repeatedly expressed its rejection of the imposition of political, economic or military sanctions that have not been expressly approved by the Security Council or by the General Assembly. In particular, Mexico has rejected the economic, commercial and financial embargo unilaterally imposed against Cuba and, since 1992, has consistently supported all resolutions adopted by the General Assembly related to the need to end that embargo. This clear stand taken by Mexico and the international community, which reflects the principles of reason and law, must not be ignored any longer. This is required by the spirit of harmony that must prevail among all States on the basis of full respect for our Organization's Charter.

As we informed the Secretary-General, when the so called Helms-Burton law was proclaimed, the Government of Mexico declared that law to be contrary to the principles of international law, a position fully in keeping with the ruling of the Inter-American Juridical Committee of 4 June 1996.

For this same purpose and in order to eliminate the negative impact of extraterritorial measures that affect Mexico's free trade with other countries, Mexico's Act on Protection of Trade and Investment against Foreign Norms which Violate International Law entered into force on 24 October 1996. This act prohibits national courts from recognizing or executing foreign judicial decisions and orders against Mexican companies, based on foreign laws with extraterritorial effects that are contrary to international law. It also forbids companies established in Mexico from carrying out any acts or failing to act in such a manner as to prejudice trade or investment in Mexico as a result of

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such laws. Similarly, this law establishes a right to appeal before federal courts on behalf of individual or legal entities situated in Mexico to sue for payment for damages or loss as a result of legal or administrative proceedings before foreign authorities' courts in the application of such laws.

It is also prohibited, under the Act, to provide information required by foreign courts or authorities on the basis of such laws, to be used against the interests of the company, and imposes financial penalities for non-compliance.

Acting along the same lines, in August 1999 Mexico supported the Cuban Republic's adherence to the Latin American Integration Association, and in May 2001, it signed an agreement for the reciprocal promotion and protection of investments. Most recently, in May 2002, Mexico and Cuba signed the Second Additional Protocol to the Economic Complementation Agreement Number 51, setting out principles concerning rules of origin.

Mexico's relations with the Republic of Cuba are based on friendship and mutual respect between our peoples, in addition to unswerving resolve to promote non-discriminatory trade policies in addition to a strong economic link.

The embargo on Cuba must end. Its negative impact on the Cuban people, most particularly on the most vulnerable groups in society, are a cause of grave concern for my country and for the international community which is represented in this General Assembly. And this is demonstrated by the overwhelming majority that votes in favour of the resolution. Mexico, as it has done throughout the past decade, will once again vote in favour of the new draft resolution contained in document A/57/L.5.

Mr. Huang Zhongpo (China) (*spoke in Chinese*): Over the past 10 years, the United Nations General Assembly has adopted a resolution every year calling on all States, in conformity with their obligations under the Charter of the United Nations and the norms of international law, to repeal or invalidate laws and measures with extraterritorial effects which affect the sovereignty of other States, the legitimate interests of entities or persons under their jurisdiction and the freedom of trade and navigation.

Despite such just demands by the international community, unfortunately, the country concerned has yet to honour this series of General Assembly resolutions.

The United States embargo and other sanctions against Cuba have been in place for more than four decades, with the purported goal of promoting democracy and human rights. As it turns out, the embargo and other sanctions have severely impeded Cuban efforts to alleviate poverty, to raise the standard of living, and to realize economic and social development for national construction. The United States action constitutes an encroachment on the human rights and the fundamental freedoms of the Cuban people, including their right to subsistence and development. Using an embargo and other sanctions to force a country to abandon its chosen path of development, or even to subvert its Government, is contrary to the purposes and principles enshrined in the Charter of the United Nations, as well as fundamental norms in modern international relations. It is a distortion and flagrant violation of the principle of democracy.

Economic sanctions imposed by the United States on Cuba have an extraterritorial character that flies in the face of international law and the principles, objectives and rules of international trade. They also contradict the principle of trade liberalization advocated by the United States itself.

Today, as many as 78 countries are known to have suffered economic losses as a result of United Nations sanctions against Cuba. This is good reason for the international community to raise serious concerns on such an embargo and sanctions, justifying the call for their immediate cessation.

It is the persistent position of the Chinese Government that purposes and principles of the Charter of the United Nations should serve as the basis for the promotion of democratization, international relations and the realization of overall development and common prosperity in all countries. Sovereignty, equality, and non-interference in the internal affairs of other countries remain at the core of the norms governing international relations. The sovereign right of each country to chose its own political and social systems and its development model, as well as to manage its own affairs, should be subject to no transgression.

Disputes among States should be resolved through dialogue and cooperation, on the basis of the

principles of equality and mutual respect. The Chinese Government objects to the economic, commercial and financial embargo imposed by the United States against Cuba.

We support the efforts of the Cuban Government and the Cuban people to safeguard their national independence and their State sovereignty. It is our hope that the United States Government will act in accordance with the prevailing trend and substitute dialogue for confrontation; resort to contacts and exchanges instead of the embargo and other sanctions; and take concrete measures to implement the relevant resolutions of the General Assembly.

China supports the draft resolution sponsored by Cuba under the agenda item currently under consideration.

Mr. Nguyen Thanh Chau (Viet Nam): The following excerpt is from Tolstoy's collection of fables.

The sheep asked the lion: "Why do you have to kill me?". The lion answered: "Because five years ago, you tampered with my waterhole". "But I was not even born at the time". "It must have been your father, then". "But he wasn't born, either". "That's enough! I am hungry". And the lion ate the sheep. This is the typical law of the jungle. We human beings must act according to common sense.

For more than 40 years now, the small island of Cuba and its people have been subjected to an economic, commercial and financial embargo because of their "sin": having dared to take their destiny into their own hands and advancing along the course of development they themselves have chosen. The Cubans do not obey the teaching of turning the other cheek when slapped, but heroically stand up as one in defence of their country.

Their punishment is unilaterally imposed, but its impact is of multilateral scope. It is not only the Cuban people, and, in particular, the children, who are on the receiving end. Interregional and international relations also suffer, as many countries are not allowed to do business with Cuba, or must do so while looking over their shoulder the whole time. No one benefits from this ridiculous situation, and it is therefore high time that this embargo be lifted.

The item entitled "Necessity of ending the economic, commercial and financial embargo imposed by the United States of America against Cuba" has been on the agenda of the General Assembly for 10 consecutive years, since 1992. The overwhelming majority of the Member States and agencies of the United Nations continue to voice their opposition to this unilateral embargo, and numerous United Nations resolutions have been adopted that condemn the policy of applying extraterritorial laws and coercive measures against Cuba, a sovereign State, as reflected in the Secretary- General's report (A/57/264 and Add.1). It is obvious that these policies violate the most fundamental principles and purposes enshrined in the Charter of the United Nations. Moreover, they contravene international law and the most basic norms of international relations — namely development cooperation based on equality among sovereign States and non-discrimination with respect to political systems.

The Government and the people of Viet Nam fully support the Government and the people of Cuba in the process of national reconstruction and defence. This support stems not only from the cordial relations that exist between the two countries, but also from human common sense. We vigorously and consistently oppose the unilateral economic, commercial and financial embargo that has been imposed against Cuba over the last four decades and demand an immediate end to the blockade. There is no justification for the continuation of these hostile policies for even one more day.

We believe that any differences between the United States and the Republic of Cuba should be resolved through dialogue and peaceful negotiations, on the basis of mutual respect for independence and sovereignty and in accordance with the fundamental principles of the United Nations Charter and of international law. We welcome any efforts, even embryonic, on both sides that could help to break the deadlock; they are long overdue.

Viet Nam will, as always, join the majority in voting once again in favour of draft resolution A/57/L.5, and we will continue to do so until an end has been put to the inhumane embargo and blockade imposed against Cuba.

Mr. Siv (United States of America): The United States embargo against Cuba is strictly a matter of bilateral policy. It is not a subject that the General Assembly should spend valuable time considering. We

strongly oppose this misguided draft resolution, and we encourage all delegations to do the same.

The allegation that the United States prohibits other nations from trading with Cuba does not reflect reality. Trade figures show that Cuba imports some $1 billion worth of goods every year from many different countries, including member States of the European Union. Related assertions that the embargo is the cause of Cuba's economic problems are equally untrue.

The objective of United States policy towards Cuba is clear: to foster a rapid, peaceful transition to a democratic form of Government where human rights are protected, civil society thrives, and economic prosperity is extended to all Cubans. Our bilateral economic embargo is but one element of a multifaceted policy designed to accomplish this objective.

While maintaining significant restrictions on trade with Cuba, the United States has moved to dramatically expand its support for the Cuban people. Cuba benefits greatly from the generosity of American citizens. In the past two years, direct cash remittances from Americans to Cubans are estimated to have totalled at least $1.2 billion. In 2001 alone, the United States Government approved licences that permit humanitarian donations to Cuba worth up to $362 million. In the wake of Hurricane Michelle, the United States offered assistance that the Cuban Government declined. Cuba did, however, reverse its previous policy of refusing to buy American food. According to published reports, as of August this year the Cuban Government has purchased $96 million worth of American agricultural commodities. It is currently negotiating to purchase much more. These sales benefit both American farmers and the Cuban people.

Changes in Cuba would allow us to reconsider our trade restrictions. As President Bush said in his speech of 20 May, describing his initiative for a new Cuba,

> "If the Cuban Government takes concrete steps towards democracy and market reforms, I will work with our Congress to ease the United States trade and travel restrictions".

Unfortunately, the Cuban Government shows no signs of abandoning its policies — policies that deny the Cuban people their fundamental rights. The fact is that the Cuban Government consistently flouts the resolutions of the United Nations Commission on Human Rights. Its human rights violations include the continued harassment of independent voices, such as that of Pedro Castellanos, who was detained for merely distributing copies of the Universal Declaration of Human Rights. Another recent example is the continued imprisonment of people such as Leonardo Bruzón, who was locked up simply for expressing his opposition to the regime. Bruzón, an Amnesty International prisoner of conscience, is now in a hospital prison, suffering from the consequences of a hunger strike he undertook to protest his imprisonment.

We were particularly disappointed this year by the Cuban Government's decision — apparently disregarding its own constitution — to ignore the Varela Project, in which 11,000 Cuban citizens petitioned for a referendum that would bring about the release of political prisoners, free elections and economic reform. The failure of the Cuban Government to respect the rights of its people concerns more than just Cuba. The focus of the international community, as manifested in the United Nations, should be on the continuing human rights crisis in Cuba, rather than on bilateral United States efforts to encourage a peaceful transition to democracy.

For all those reasons, the United States strongly opposes this misguided draft resolution, and we encourage all delegations to do the same.

Ms. Ndhlovu (South Africa): My delegation welcomes the Minister for Foreign Affairs of Cuba, His Excellency Mr. Felipe Pérez Roque, to this debate on agenda item 26, "Necessity of ending the economic, commercial and financial embargo imposed by the United States of America against Cuba". We thank him in advance for his statement, to be delivered later, and for his leadership on this issue.

My delegation considers it sad that we again have to address the item on the necessity of ending the economic, commercial and financial embargo imposed by the United States of America against Cuba. We are nevertheless here to reaffirm our determination to work towards a better world for all, where nations can peacefully co-exist and international laws that guide all civilized States are observed.

We firmly believe in adherence to the purposes and principles of the United Nations Charter, which ought to be binding on all Members of our Organization. The selective application of Charter

provisions should be rejected with the contempt that it deserves.

The international community has repeatedly and consistently called for the lifting of this embargo, and we agree that that is the right thing to do. For more than 40 years, the people of Cuba have suffered from this relentless and unilateral embargo. The tragedy of the unilateral embargo is that it continues to cause untold suffering to the people of Cuba. The daily lives of men, women and children in Cuba have been seriously affected by policies beyond their control. It is therefore no wonder that the overwhelming majority of Member States are here to rally in support of the draft resolution before us.

At the Thirteenth Interministerial Conference of the Non-Aligned Movement, held in Cartagena in 2000, an appeal was made to the Government of the United States of America

> "to put an end to the economic, commercial and financial embargo against Cuba which, in addition to being unilateral and contrary to the United Nations Charter and international law, and to the principle of neighbourliness, cause huge material losses and economic damage to the people of Cuba."

The Ministers further expressed their

> "deep concern over the widening of the extraterritorial nature of the embargo against Cuba and over continuous new legislative measures geared to intensifying it."

Those views were repeated at the Ministerial Meeting of the Coordinating Bureau of the Non-Aligned Movement in Durban.

The Ministers also condemned the continued application by certain countries of extraterritorial measures and legislation, and their imposition of unilateral coercive economic measures against certain developing countries aimed at preventing those countries from exercising their right to determine, with total free will, their own political, economic and social systems. They further called on all States not to recognize unilateral extraterritorial laws, since such measures and legislation threaten the sovereignty of States, adversely affect their social and economic development and are contrary to international law, the principles and purposes of the Charter, the norms and principles governing peaceful relations among States and the agreed principles of the multilateral trading system.

My delegation fully associates itself with those views and calls upon all countries to reject the unilateral extraterritorial measures imposed against Cuba because they stand in stark contrast to international laws that guide all civilized States. My delegation firmly believes in the need for a rules-based international system in which small and big nations are treated as equal sovereign States. The United Nations Charter is an embodiment of the vision, mission, principles and obligations that all signatories to the Charter have to abide by. They specifically include the equality of all Member States and non-intervention and non-interference in the domestic affairs of other countries. Freedom to trade internationally is an integral part of many international legal instruments.

South Africa views the continued imposition of the economic, commercial and financial embargo against the Republic of Cuba as a flagrant violation of the principles of the sovereign equality of States and non-intervention and non-interference in the domestic affairs of Cuba. We are guided by these basic norms of international conduct in our principled support for the need to eliminate coercive economic measures as a means of political and economic compulsion.

In line with previous United Nations resolutions on this item, among others, South Africa believes that constructive dialogue can foster mutual trust and understanding, as well as engender harmony and peaceful coexistence between the two nations. South Africa will once again support the draft resolution to be considered by the General Assembly under this item. This, we believe, is the least that we can do for the people of Cuba.

Ms. Pulido Santana (Venezuela) (*spoke in Spanish*): Since 1991, the General Assembly has reiterated its call upon all States to refrain from promulgating and applying laws and economic, commercial and financial measures having extraterritorial effect. It has also urged those States that have promulgated such laws to repeal or invalidate them as soon as possible, in keeping with their domestic legal code.

The overwhelming majority of States Members of the United Nations have reaffirmed year after year that such measures contravene the purposes and principles of the Charter, inter alia, the sovereign equality of

States, non-intervention and non-interference in the domestic affairs of other States, and the freedom of international trade and navigation.

The rejection and condemnation of the economic, commercial and financial embargo against Cuba have also been reaffirmed in innumerable statements made and resolutions adopted in other intergovernmental forums. International public opinion and the international community have categorically spoken out against the promulgation and application of such measures.

However, we note with regret that the voices of the United Nations and the international community have not been heard or have been only partially heeded. Some continue to apply new measures or to strengthen those already adopted in order to perpetuate and expand the embargo against Cuba, in contravention of principles of international law and the norms of peaceful relations among nations.

The Government of Venezuela, along with almost every other Member represented here, rejects the promulgation and application of unilateral extraterritorial coercive measures, such as the notorious Helms-Burton Act of 12 March 1996. The Venezuelan Government has voted in favour of all resolutions adopted by the General Assembly and other international organs and bodies that have condemned the embargo against Cuba and called upon the Government of the United States of America to repeal it.

Similarly, our Government has complied with the provisions of paragraph 4 of resolution 56/9 of 27 November 2001 by providing information to the Secretary-General for inclusion in the report on compliance with that resolution. In our reply, we have pointed out, as noted in the Secretary-General's report, that

> "unilateral measures such as the embargo imposed on Cuba, which is of a coercive and extraterritorial nature, have an adverse impact on the legal framework defining economic and commercial exchanges between nations and undermine the efforts that have been made to achieve continental and subregional economic integration". (*A/57/264, p. 38*)

The economic, commercial and financial embargo imposed against the Republic of Cuba is, without a shadow of a doubt, contrary to international law, the principle of self-determination and the legitimate aspirations of the Cuban people to achieve full human development and well-being.

The Government of the Bolivarian Republic of Venezuela supports the General Assembly's debate on this item, given the negative impact of such measures on the international political, economic and legal order. For these reasons, we reaffirm the declarations adopted in this respect by the Organization of American States, the Rio Group, the Non-Aligned Movement, the Group of 15 and the Group of 77, as well as the Lima Declaration adopted at the Eleventh Ibero-American Summit of Heads of State and Government in 2001. Recently, in the Madrid Commitment of 17 May 2002, the heads of State and Government of the European Union and of Latin America and the Caribbean firmly rejected all measures of a unilateral character and with extraterritorial effect, which are contrary to international law and the commonly accepted rules of free trade. They agreed that this type of practice poses a serious threat to multilateralism.

The Government and people of Venezuela hope that the blockade against Cuba will cease. It is the Cuban people that must suffer the consequences of the application of such measures, which are certainly beyond the pale of international legality and inhuman in nature.

The delegation of the Bolivarian Republic of Venezuela, in keeping with its stated values and in virtue of the fact that the extraterritorial economic, commercial and financial measures against Cuba have not been repealed, shall vote in favour of the draft resolution before the General Assembly today.

Mr. Kittikhoun (Lao People's Democratic Republic) (*spoke in French*): During the four long and difficult decades since the economic, commercial and financial blockade has been imposed against the Republic of Cuba by the Government of the United States of America, the innocent people of Cuba have experienced great suffering. The blockade has also created and nurtured needless tensions between the two neighbouring peoples.

In today's world, where many forms of cooperation exist among States, it is disappointing to see the continued existence of discriminatory unilateral trade practices. We believe that the extraterritorial application of the national laws of one country clearly

runs counter to the purposes and principles of the Charter of the United Nations. In accordance with the relevant resolutions of the General Assembly, a Member State cannot promulgate or apply laws, rules or measures that have extraterritorial effects or that infringe upon free trade or the sovereignty of other Member States.

Every country has the sovereign right to participate freely in the international financial and trade system. Under the universal principle of State sovereignty, no country has the right to interfere in the internal affairs of another, regardless of differences in their social and political systems. As a sovereign and independent country, the Republic of Cuba has the right to choose its own political system and its own development model. In order to reduce poverty and achieve sustainable development, Cuba should have an opportunity to maintain and promote trade relations with every nation of the world.

Along with most other Member States of the Organization, the Lao Democratic People's Republic will continue to work to end the economic, financial and trade embargo against Cuba. That exceedingly obsolete policy, which runs counter to international law, has not benefited either party. The Republic of Cuba is a Member of the United Nations. We, as Members, must also do our utmost to help Cuba regain its legitimate right to become integrated into the globalized world economy.

In the light of this position, my Government will vote in favour of draft resolution A/57/L.5.

The President: Before giving the floor to the next speaker, I should like to propose that the list of speakers in the debate on this item be closed now. Unless I hear any objection, I shall take it that the General Assembly agrees to that proposal.

It was so decided.

The President: I call on Mr. Ricardo Alarcón de Quesada, President of the National Assembly of People's Power of Cuba, to introduce draft resolution A/57/L.5.

Mr. Alarcón de Quesada (Cuba) (*spoke in Spanish*): In 1992, the General Assembly adopted its first resolution calling for an end to the economic, commercial and financial blockade imposed by the United States against Cuba. Since then, the Assembly has reiterated that position every year with increasingly broad support, which now includes almost every Member State. The contrast is obvious. On one side is the virtually unanimous opinion of the international community opposing an illegitimate policy. That policy runs counter to the purposes and principles of the Charter of the United Nations, violates the norms of law and trade among nations and illegally disregards the sovereignty and interests of other countries. On the other side is the obstinacy of a single actor lacking any argument to attempt to justify that which the rest of the world rejects.

I am certain that we will today adopt the eleventh resolution on this matter, and that it will have special significance. That significance stems from the fact that the text of the draft resolution has genuine unanimous support, including that of the majority of the people of the United States and some of its main institutions. Important events have taken place in the last year to illustrate that fact. A very wide segment of civil society and influential business entities have called for the lifting of the blockade and for the normalization of economic ties with Cuba. American farmers have been especially active in that regard, as have been their organizations and major agricultural production and export companies. It is thanks to their efforts that it has been possible to take a few steps that could lead to significant changes in the current policy.

For the first time in four decades, a number of American exporters have been able to sell their products to Cuba and to carry out the necessary transactions, despite the severe obstacles and discriminatory practices they had to contend with. In the course of 11 months, we received over 50 merchant ships transporting 712,000 tons of American agricultural products. The total cost of those purchases, including their transportation, was $140 million, and that figure could reach $200 million with the new purchases recently negotiated.

The contracts pertaining to the latter were signed during the United States Food and Agribusiness Exhibition held in Havana from 26 to 30 September 2002, which attracted the participation of hundreds of companies from over 33 States. They were joined by high-level Government authorities and business representatives.

Those sales and that exhibition demonstrated the considerable potential benefits for both countries that would result from normal trade relations, as well as the

impressive level of good will and mutual interest on the part of both the Cuban people and United States farmers. Advances made in that direction would also be beneficial for all other nations and for international peace and cooperation. They also coincide with the aspirations of the Cuban-American community, in which diverse sectors advocate normal relations with their homeland. They are raising their voices in growing numbers against those who attempt to silence them with pressures and threats. Their demands were heard this year in downtown Miami and at the Capitol in Washington, D.C.

That constructive spirit has been echoed in the legislative bodies of the United States. A bipartisan group has been formed there that has undertaken initiatives aimed at changing the current policy and replacing it with one that is more congruent with the genuine interests of the people of that country and with the norms of respect that should govern relations between sovereign States. In their efforts, however, they must still contend with the stubborn opposition of a powerful minority.

Last year, the two houses of the United States Congress passed a bill that would have introduced important modifications to the blockade. Despite the clear backing received in both houses, the leadership of the House of Representatives, violating basic democratic procedures, has adulterated the text of the bill approved and imposed a formula that openly contradicted the will of the majority.

This summer, the House of Representatives passed by a wide majority a number of legislative proposals that would facilitate United States exports and eliminate the ban on travel to Cuba for United States citizens. Those proposals seek to correct negative elements arbitrarily imposed last year. Although they do not amount to the complete elimination of the blockade, they are important steps in the right direction, and we welcome them.

President Bush, however, had already announced in advance that he would veto any bill aimed at modifying the policy currently in force. On 20 May 2002, in a clearly interventionist and aggressive speech given in Miami, he declared, "The United States will continue to enforce economic sanctions on Cuba."

That stance is finding less and less support. The House Republican majority leader, who has always voted against Cuba and has been a key element in legislative manoeuvres to maintain the blockade, recently acknowledged the irrationality of that policy and its imminent collapse.

The aforementioned sanctions are also being applied against entities and citizens of the United States. The Bush Administration is not only threatening to veto bills that have solid backing in both houses and that respond to the demands of a large part of the United States population, he is also undertaking actions that contradict the express will of legislators and the legitimate aspirations of those who have inspired those initiatives in Congress. While the latter approve measures that will facilitate trade, the office in charge of enforcing the blockade is acting in opposition and is announcing new requirements and stipulations that would be imposed on exporters, thus limiting their sales. While a majority in Congress has called for freedom of travel, the Administration has established additional restrictions, it threatens to punish anyone who has exercised a right enshrined in the Constitution and has denied visas to numerous groups of Cuban artists and intellectuals, to the detriment of important cultural or scientific activities held in this country.

The anti-Cuban minority, protected by its privileged relations with the current Administration, acts ever more openly against the true interests of the United States. It has managed to place in high-ranking positions unscrupulous individuals, professional slanderers who routinely regurgitate ridiculous lies that nobody believes and provocative, irresponsible and false statements, to create through such deceit a bilateral conflict that will allow them to fulfil their long-held dream of taking control of the lands, the homes and everything else that belongs to the Cuban people. Isolated and politically defeated, it continues to step up its hostility against Cuba and persist in its plans to use violence and terrorism against our country.

Five young Cubans were unjustly punished for acting against well-known terrorist groups that operate freely in Miami. They are being treated with abominable cruelty and are even being deprived of visiting rights, along with their families. A new trial to redress these grave violations of due process has been requested by their defence team, with the support of distinguished United States jurists. That motion, presented today to the federal court in southern Florida, deserves everyone's support, as it would allow the re-establishment of the rule of law in a case of vital importance, since it essentially involves the practical

and not merely rhetorical attitude towards terrorism and its accomplices.

I will not speak at length here about the damage to our economy or about the grave harm done to the lives and welfare of all Cubans, nor about the countless violations of international norms and the rights of third countries arising from the embargo over the course of four decades. These are outlined in the documents distributed under this agenda item.

The decision that this Assembly will adopt today will provide justice for the Cuban people, who have suffered greatly as a consequence of a policy that is unjust, illegal and contrary to reason and morality. My people have stood firm and will continue to do so, because nothing can make them relinquish their independence. They will never allow anyone to rob them of their national rights or to destroy the work of justice they have created with self-sacrifice and tenacity. With its vote, the Assembly will also be defending all those States whose sovereignty and legitimate interests are being crushed by those who arrogate powers that no one has ceded to them and who attempt, with no right whatsoever, to dictate rules to the entire world and to enforce their application beyond their own borders.

The draft resolution that I have the honour of introducing, and which we will undoubtedly adopt today, will also indicate support for the noble people of the United States and for all those in that country who are striving to change a policy that the world condemns, that is irrational and unjustifiable, and the failure of which is already an historical fact.

Mr. Manis (Sudan) (*spoke in Arabic*): The international community's support for and adherence to the principles enshrined in the United Nations Charter are among the most important duties of States towards the achievement of a world community of cooperation and brotherhood in which States respect the choices made by people in striving to attain their social, economic and cultural development.

On 16 October, the General Assembly concluded its discussion of agenda item 31, in which the international community expressed its refutation of all forms of hegemony and interference in the fates of peoples and its deep concern over the negative impact of unilaterally imposed extraterritorial coercive economic measures on trade and financial and economic cooperation, including at the regional level, because they are contrary to recognized principles of international law. Resolution 57/5, which 133 Members voted in favour of, also confirmed the rights of peoples to self-determination and called upon States not to recognize or apply unilateral extraterritorial coercive economic measures or laws imposed by any State.

This was not the first resolution adopted on this topic. We recall by way of example resolutions 55/6, 53/10 and 51/17. The heads of State of the Non-Aligned Movement, at their summits in Durban and Havana, and the foreign ministers of the Organization of the Islamic Conference at their meetings in New York condemned attempts to impose economic sanctions on some developing countries aimed at preventing them from exercising their political rights. Such sanctions have extraterritorial effects in the affairs of some developing countries, since they extend to companies, the private sector and individuals.

We have now resumed for the eleventh time our consideration of agenda item 26, entitled "Necessity of ending the economic, commercial and financial embargo imposed by the United States of America against Cuba". It will be recalled that 167 members of the General Assembly voted last year in favour of resolution 56/9 on this issue, thus reflecting the international community's increasing awareness of the danger of imposing unjust sanctions on Member States.

My delegation reiterates its total rejection of the embargo imposed by the United States on the Republic of Cuba and its brotherly people. The people of Cuba have suffered enough from the fallout of these policies, the economic repercussions of which have cost them some $70 billion over the course of the past 40 years. Six of every 10 Cubans live in difficult economic circumstances due to the embargo and sanctions.

My country and my people suffer under unilateral sanctions imposed against us by the same country that imposes them on friendly Cuba, as do the Islamic Republic of Iran and the Libyan Arab Jamahiriya. In this regard, we would refer to a law recently enacted by the United States Congress, known as the Sudan Peace Act. Under this Act, certain biased measures are undertaken in favour of the Sudanese rebel movement. The Act contains flimsy and erroneous information derived from certain circles that harbour grudges against the Sudan and its people. It reflects yet again the United States desire to impose its hegemony, to pursue the policies of isolation and imposition, and to

take the law into its own hands. These policies are now a part of history in the new civilized world entering the third millennium.

In conclusion, we call upon all States to vote in favour of the draft resolution submitted by the Republic of Cuba, entitled "Necessity of ending the economic, commercial and financial embargo imposed by the United States of America against Cuba". We urge them to voice their strong opposition to such unilateral measures in flagrant violation of international law and the United Nations Charter.

Mr. Menan (Togo) (*spoke in French*): The issue of economic, trade and financial embargo against Cuba that was imposed more than 40 years ago is a source of serious ongoing concern to the international community, which has repeatedly expressed its disapproval regarding this practice.

Last year the General Assembly again took a stand, with an overwhelming majority in favour of lifting this embargo that violates the goals and principles of the United Nations Charter, including the sovereign equality of States, non-interference in the internal affairs of other States, as well as the relevant norms governing international relations.

There are many international institutions that, like the United Nations, reject the resort to coercive, unilateral, extraterritorial economic measures for the purpose of exercising political and economic pressure against States. This is demonstrated by the large support given to the issue of lifting the embargo against Cuba. For example, in the final communiqué approved by the fourteenth ministerial meeting of the Non-Aligned Movement, held in Durban last April, the ministers appealed again for an end to the economic, commercial and financial embargo against Cuba, which not only violates the United Nations Charter, international law and the principle of good neighbourly relations, but also imposes great material and economic damage on the Cuban people.

On this occasion, the ministers of the Non-Aligned countries also urged again the strict application of the relevant General Assembly resolutions, which include resolution A/56/9, adopted on 27 November 2001. They also expressed their deep concern over the expansion of the extraterritorial nature of this embargo applied against Cuba and the continued adoption of legislative measures aimed at strengthening the embargo.

Along the same lines, other international bodies, such as the Group of 77 and China, the Organization of American States, the Rio Group, the Ibero-American Summit, the Latin American Association of Integration and the South Summit, have also served as forums in which concerned States opposed this embargo because it violates the principles that govern peaceful co-existence, weakens multilateralism and is counter to the spirit of cooperation and friendship among peoples. This underscores how much the issue of lifting the embargo against Cuba has met with the support of the international community, while, at the same time, advocates of this practice maintain their position.

Like most countries of the world, Togo maintains excellent friendly relations with Cuba, based on cooperation and solidarity, and has firmly and constantly stood by this country to call for the total non-selective compliance of the principles and norms of international law.

It is Togo's conviction that each nation — large or small, rich or poor — has a right to freely select its political, economical, social and cultural system. For this reason Togo never fails to express its disapproval over the practice of using coercive economic measures to bring political and economic pressure to bear against States. Togo, therefore, urges that the economic, commercial and financial embargo unfairly imposed against Cuba, and which continues to cause untold suffering for the Cuban people, particularly children and the elderly, cease without delay.

In spite of the demands made repeatedly by the international community to end the embargo against Cuba, at a time when we would expect that the advocates of this position to finally work at meeting this requirement, it is distressing to note that they are not ready to abandon the policy of coercion that they practice against a neighbouring State. Even worse, some senior officials of the country that initiated this embargo recently declared that it will be maintained and even strengthened. One wonders why there is such resolve and blind obstinacy by those who advocate this embargo. They allege to have the absolute truth and are right where everybody else is wrong.

Today, we can acknowledge that this policy of coercion imposed at the height of the cold war no longer serves even the interests of domestic policy; it is clear that the economic, commercial and financial embargo is a disservice to the interests of the initiator

country itself and that it also considerably harms the Cuban population.

In terms of the Cuban people, the repercussions of the embargo affect all sectors of activity in terms of social and economic life, particularly in the areas of health, food and equipment. From this standpoint, many speakers before us, from this rostrum, have highlighted clearly and with detail the suffering of the Cuban people as a result of the embargo.

The delegation of Togo will not revisit the repercussions of the tragedy of the Cuban people. We note however, that according to the estimates of the Cuban Government, the economic damage of more than 40 years of this policy, amounts to more than the astronomical sum of $70 billion with regard to the country that perpetuates this embargo.

We emphasize that Cuba, whose population is estimated to about 11 million people and which located several dozen kilometres from the coast of the State in question, should clearly be a special source of markets for the manufactured goods of that country. This is demonstrated by events such as the first United States food products fair that was organized last September in Havana; it contributed to moving Cuba from 228th place on the list of trade partners in that country to 42nd place. It especially attests to the weariness of businessmen and exporters in the United States who realize that they have every interest in maintaining trade relations with Cuba.

Similarly, in some political circles of that country, there is increasing awareness that the embargo has become outmoded and that there is a need to work to simply lift it. This was demonstrated by the recent visit of President Jimmy Carter to Havana. This, at any rate is the firm hope of Togo.

Mr. Swe (Myanmar): Myanmar fully subscribes to the purposes and principles enshrined in the Charter of the United Nations, especially the principle of sovereign equality of nations. It strongly believes that, as prescribed in the Charter, Member countries should practice tolerance and live together in peace with one another as good neighbours. As a co-initiator of the Five Principles of Peaceful Coexistence, Myanmar also firmly believes that only through peaceful coexistence and non-interference in the internal affairs of countries can the international community nurture and establish peace and security.

We are also of the opinion that promulgating domestic legislation that will affect the sovereignty of other States and the legitimate interests of entities or persons under their jurisdiction is not conducive to the development of friendly relations among nations. Accordingly, Myanmar, like many other Members of the United Nations, is opposed to any domestic legislation that will have extraterritorial effects, such as the Cuban Democracy Act, the Torricelli Act and the Helms-Burton Act.

We have therefore consistently voted in favour of the resolution on the necessity of ending the economic, commercial and financial embargo imposed by the United States of America against Cuba since the resolution was first introduced in the General Assembly during the forty-sixth session in 1991. And we shall do so again this year.

The economic, commercial and financial embargo against Cuba has been imposed for over 40 years now. It has done much harm to the people of Cuba, especially the most vulnerable groups such as the elderly, women and children. We do not consider that the embargo serves any useful purpose. It not only prevents the people of the two countries concerned from interacting culturally, socially and economically but also has an extraterritorial effect that deters other countries from making fruitful engagements with the people of Cuba. I join many speakers who spoke before me in calling for the lifting of the embargo against Cuba.

Myanmar firmly believes that differences among Member States of the United Nations should be settled by peaceful means through dialogue and negotiations. In this respect, we are encouraged to see some positive developments in recent years in the relations between the United States and Cuba, such as the resumption of direct flights to Cuba, food exports to Cuba and, more recently, the visit of Nobel Laureate and former President Jimmy Carter, to Havana. We hope that those engagements will in the end lead to the normalization of relations between the United States and Cuba, which we believe will be in the best interests of both peoples. It will also be of benefit in establishing peace and stability in the region of Central America and the Caribbean.

Mr. Musambachime (Zambia): Allow me to congratulate you, Sir, on your election as President of the fifty-seventh session of the General Assembly. My

delegation is confident that you will steer the work of the Assembly in the right direction. We also thank your predecessor for the efficient manner in which he presided over the work of the General Assembly.

My delegation also wants to welcome the statement by Ricardo Alarcón de Quesada, President of the Cuban People's Power National Assembly, in which he introduced the draft resolution contained in A/57/L.5. His presence in the Assembly demonstrates beyond reasonable doubt Cuba's seriousness in its desire to resolve the issue under agenda item 26.

Allow me also to commend the Secretary-General for his report contained in documents A/57/264 and A/57/264/Add.1, entitled "Necessity of ending the economic, commercial and financial embargo imposed by the United States of America against Cuba." The report provides us with insight into the implementation of resolution 56/9 of 27 November 2001 by Member States, bearing in mind the purposes and principles of the Charter of the United Nations and international law.

I also wish to commend the Cuban delegation for introducing draft resolution A/57/L.5 on this very important subject.

My delegation wishes to state from the outset that its position on this issue remains unchanged. In the ten years that this resolution has been tabled in the General Assembly, Zambia has always voted in the affirmative. We will once again vote in its favour.

Our decision on this matter is based on our firm belief in the principles enshrined in the Charter of the United Nations, based, inter alia, on the sovereign equality of States and non-interference in the internal affairs of other States. Zambia's foreign policy embraces those principles and, in addition, promotes human rights, fundamental freedoms and the peaceful coexistence of States.

It is in that context that my delegation views the economic, commercial and financial embargo imposed on Cuba as a breach of international law and a violation of the principles of the United Nations Charter. The extraterritoriality of the Helms-Burton Act and Torricelli Act infringes upon the sovereignty of other States and is an impediment to international navigation and free trade as reflected in the agreements and decisions of the World Trade Organization.

I wish to state that my delegation is deeply concerned by the negative effects of the embargo on the Cuban people, particularly children, women and the elderly. It is clear that in spite of the efforts by the Government and people of Cuba, the embargo has limited the nation's economic and social development. This unfortunate situation undermines the commitments of our leaders in the Millennium Declaration, adopted here in New York on 8 September 2000. The common vision shared by United Nations Members of a more peaceful, prosperous and just world in which all human beings can live better and safer lives has been denied to the Cuban people. In view of those humanitarian considerations, my delegation requests the international community to redouble its efforts aimed at an early lifting of the economic embargo against Cuba, which has only served to hurt the most vulnerable groups in that country.

In conclusion, I wish to appeal to Member States to support the noble principles that are enshrined in the United Nations Charter by a unanimous vote for the complete lifting, without conditions, of the embargo against Cuba. We hope that this eleventh resolution on the embargo will be the last one to be considered by the Assembly in order to allow the Cuban people to be fully engaged in international affairs.

Mr. Neil (Jamaica): I have the honour today to speak on behalf of the 14 member States of the Caribbean Community (CARICOM) that are Members of the United Nations. We join those Member States that have spoken previously in support of the need to bring to an end the economic, commercial and financial embargo imposed by the United States of America against Cuba.

CARICOM member States wish to reaffirm the importance that they attach to the strict observance of the principles of international law and to freedom of trade and navigation. We remain opposed to the extraterritorial application of national legislation that seeks to impose artificial barriers to trade and cooperation and that is contrary to the principle of the sovereign equality of States.

Our member States, in keeping with our policy of mutual respect, good-neighbourliness and respect for the principles of the Charter of the United Nations, have maintained friendly relations with Cuba, and we have developed mutually beneficial programmes of cooperation and trade. CARICOM member States also enjoy traditional, warm and friendly relations with the

United States, and in that spirit, we call for a constructive process of dialogue and a normalization of relations, which we believe would be in the interests of all parties. That would remove a source of tension and conflict and would improve the prospects for peaceful development in our region.

The CARICOM delegations support the contents of the draft resolution that is before the General Assembly, and we will vote in favour of its adoption.

Mr. Ivanou (Belarus) (*spoke in Russian*): In the course of the fifty-sixth session of the General Assembly, the Republic of Belarus, together with the overwhelming majority of other Member States, voted in favour of resolution 56/9, entitled "Necessity of ending the economic, commercial and financial embargo imposed by the United States of America against Cuba". The Republic of Belarus thus reaffirmed its commitment to respect for the fundamental principles of the sovereign equality of States, non-interference in internal affairs and freedom of international trade and navigation.

The Republic of Belarus has consistently supported the invalidation of laws and measures unilaterally promulgated and applied by Member States that have extraterritorial effects on the sovereignty of other States, on the legitimate interests of entities or persons under the jurisdiction of those States and on freedom of trade and navigation. In accordance with the fundamental principles of international law, including the provisions of the Charter of the United Nations, the Republic of Belarus has never applied, does not currently apply and has no intention of ever applying any such laws or measures. The Republic of Belarus believes that international disputes must be resolved only through negotiations, on the basis of respect for the principles of equality and mutual benefit.

Mr. Andjaba (Namibia): On numerous occasions, the Government of Namibia has expressed its displeasure at the continuous unilateral economic, commercial and financial embargo imposed on the Government and the people of Cuba by the United States of America for more than 40 years. Similarly, for several consecutive years now, the overwhelming majority of Member States of the United Nations have expressed their views on this matter, clearly acknowledging the invalidity of the application of measures with extraterritorial effects. Yet, instead of efforts aimed at ending the embargo, what we have seen recently is a further strengthening of the embargo and of the Helms-Burton Act, which has enhanced its extraterritorial nature.

For its part, Namibia has repeatedly and consistently advocated an end to this economic, commercial and financial embargo, because we firmly believe that the Helms-Burton Act and the D'Amato legislation are contrary to international law and violate the principles of the Charter of the United Nations. Those measures are not only irrelevant, but also contrary to the spirit of much-discussed globalization, which has been so much discussed, as well as to peaceful coexistence and free trade.

The negative impact of the embargo on the people of Cuba — especially on women and children — is well documented. Furthermore, the embargo continues to have a negative impact on Cuba's economic development and has made it extremely difficult for the country to purchase the food, medicine, fuel and raw materials that are needed to sustain the lives of the Cuban people. We continue to ask: how much more suffering will the people of Cuba endure, and how many more lives will be lost as a result of the unavailability of basic medicines and medical equipment, before this unjustifiable embargo is lifted?

The Government of the Republic of Namibia continues to uphold the principles of the sovereignty of States and non-interference in the internal affairs of other States. Furthermore, it is our view that it is right for the international community to continue to reject the unilateral embargo against the people of Cuba. In that regard, we call for the immediate and unconditional lifting of the embargo against Cuba.

For those reasons, my delegation will vote in favour of the draft resolution contained in document A/57/L.5.

Mr. Mwakawago (United Republic of Tanzania): My delegation would like to make a contribution to the item under consideration by the Assembly on the necessity of ending the economic, commercial and financial embargo imposed by the United States against Cuba.

The United Nations Charter asserts that the purpose of our Organization is, as stated in Article 1, paragraph 2, "To develop friendly relations among nations based on respect for the principle of equal

rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace". In this context, the economic, commercial and financial embargo imposed by the United States Government against Cuba is a serious negation of the United Nations Charter both in letter and spirit.

Unilateral embargoes have the tendency of creating antagonistic relations that could lead to enmity among States. Depending on the intensity of enmity and power relations, it is conceivable relations could degenerate into war thus threatening international peace and security.

The embargo and blockade imposed against the Republic of Cuba for the past four decades have seriously violated, not only the fundamental principles of the United Nations Charter and international law, but the freedom of international trade and navigation. Indeed, such unilateral measures run counter to the common desires of States to build sound international relations on the basis of equality and the right of every people to determine their political and economic systems. It is instructive to note that during that period, Cuba has managed, under very difficult conditions, to institute world class health and educational systems. It is our conviction that those achievements would have been greater if there were no embargo or blockade and the world would have been a better place for such development.

In the era of globalization, the accent is on open borders and rule-based trade relations. Unilateral coercive measures not only run counter to the spirit of the times, but work against the very essence of globalization.

Tanzania was encouraged by the bilateral negotiations between the two countries that covered immigration issues. We felt that was a good start. However, there has been no movement on easing restrictions. On the contrary, there have been assertions that the embargo would be rigorously enforced.

We are concerned about the negative effects of the economic, commercial and financial embargo imposed on the Cuban population. Therefore, there is an urgent need for the embargo to be lifted once and for all. The United Nations Charter provides for Member States to seek to resolve disputes through dialogue and negotiation in a spirit of mutual respect for the independence, sovereignty and territorial integrity of nations. Today the world is faced with various problems which transcend boundaries and ideologies and call for urgent joint efforts. The world has yet to come to grips with environmental degradation, the HIV/AIDS pandemic, drug trafficking, terrorism and organized crime. These are but a few areas where the two countries could work together despite their differences and contribute not only to the well-being of their citizens, but to the well-being of humanity at large.

Tanzania believes that international relations should be based on the principles of international law which call for peaceful co-existence among nations and prohibit the threat or use of force in international relations. Coercive measures in this regard are counterproductive. The sooner they are ended, the better for international concord.

In conclusion, my delegation hopes that given the overwhelming appeal by the international community for unilateral measures to be stopped, the United States Government will revisit its position in the interests of dialogue and cooperation. It is in that spirit that my delegation will vote for the resolution.

Mr. Salman (Iraq) (*spoke in Arabic*): I will make a brief statement. Since its forty-seventh session the General Assembly has been considering the item entitled "Necessity of ending the economic, commercial and financial embargo imposed by the United States against Cuba". It has also adopted numerous resolutions calling upon States to adhere to the United Nations Charter and the norms of international law and urging them to refrain from imposing extraterritorial laws and measures.

While the international community expected a positive response from the United States to those General Assembly resolutions, successive American administrations have moved in the opposite direction — tightening their economic embargo against Cuba. The economic embargo against Cuba has created immense difficulties for the Cuban people in its attempts to achieve socio-economic development. It has also seriously sapped the efforts of Cuba to eliminate poverty and upgrade the standard of living. This constitutes a flagrant violation of human rights and furnishes categorical proof refuting American allegations of respect for international law and the instruments governing relations among nations.

America's insistence on pursuing its policy of blockading Cuba, boycotting it and undermining its

political stability and impeding the efforts of its people to achieve development runs counter to the purposes of the United Nations, the norms of international law, the Charter of Economic Rights and Duties of States and all aspirations to the establishment of a world governed by cooperation and mutual respect.

American authorities have attempted to justify their embargo against Cuba as an element of their policy of promoting democracy in Cuba. They have even gone farther than that by affirming that lifting the sanctions against Cuba is contingent upon regime change there. They say the same thing about Iraq.

The use of economic sanctions with a view to changing the political systems of the targeted countries undermines the very basis of international relations and takes the world back to the law of the jungle.

We call on the United States of America to refrain from imposing economic sanctions against peoples and to favour the logic of cooperation and dialogue over that of force, in accordance with the norms of international law and the Charter of the United Nations, because experience has shown that economic sanctions are not only inhuman but ineffective and have terrible consequences for innocent civilians.

Mr. Amer (Libyan Arab Jamahiriya) (*spoke in Arabic*): This is the eleventh consecutive time that the General Assembly has discussed the item under consideration, entitled "Necessity of ending the economic, commercial and financial embargo imposed by the United States of America against Cuba".

At the past 10 debates on this issue, the majority of Members of the Organization rejected the promulgation or application by any State of any law affecting the sovereignty of other States, and urged all States to refrain from promulgating and applying such laws and to repeal those that have already been enacted.

Regrettably, the United States has not abandoned this approach, which is publicly condemned and rejected by its conventional allies and trade partners. Worse still, a number of members of the American Administration have adopted additional measures by which they tightened the blockade against Cuba and expanded their coercive laws, such as the infamous "Helms-Burton Act", which provides for measures to be taken against firms, corporations and Governments of third countries that have financial, trade or economic relations with Cuba. Given the adoption by the General Assembly of a number of resolutions, most recently resolution 56/9, this can only be a deliberate effort by the United States to disregard the appeals of the international community.

Washington is trying to impose specific economic and political policies on States and peoples. Those who do not accept them are subjected to blockades and boycotts, such as those imposed by the Security Council and international financial institutions such as the World Bank and the International Monetary Fund.

The strict blockade imposed against Cuba by the United States of America for more than four decades now has had serious consequences for the Cuban people. This has been made clear in a number of reports, such as that contained in document A/57/264. The blockade has limited the Cubans' ability to import food and has made it difficult to acquire medical equipment and medicines to treat the ill. Such practices and the resultant suffering of the Cuban people — in particular the most vulnerable groups, such as children and the elderly — represent a blatant violation of human rights and refute the claim that America respects international law and instruments that govern relations among nations. This exposes the true nature of the American approach: blockading peoples and punishing other States, as well as trade partners, companies and individuals, to prevent them from dealing with those States on which blockades have been imposed by the American Government — actions that run counter to international legal instruments.

The American authorities have tried to justify their blockade against Cuba, but this cannot be done. This flagrant interference in the internal affairs of the Cuban people is intended to impose certain specific policies on Cuba.

These actions are in line with the many coercive measures and sanctions that have been imposed on a number of States, including my own. Unilateral sanctions have been imposed for almost two decades in the area of financial, educational and technical activities. We are surprised at the conduct of the United States vis-à-vis the Cuban people because of its choice of a certain political and economic system. Similarly, it is easy to refute the pretexts used by the United States in imposing sanctions against Libya, the Sudan and Iran. This is a ready-made formula that is imposed on

any people that defends its dignity and insists on making its own choices.

The imposition of sanctions and blockades is no way to resolve differences among States. General Assembly resolutions and the Charter of the United Nations provide for the resolution of disputes on the basis of dialogue, negotiations, full equality, mutual respect and non-interference in internal affairs.

Cuba has consistently expressed its desire to resolve its problems with the United States on these bases. Neither Cuba nor any State on which American sanctions have been imposed has any interest in antagonizing the United States. All States should abide by the Charter and resort to the peaceful means provided therein and in other international instruments. These must be complied with; we should abide by the norms of international law.

We must send a clear-cut message that will help to bring about a comprehensive peace and friendly relations among States that are based on mutual respect for the sovereignty of States, regardless of their size or of the econo-political system that they themselves have chosen.

For these reasons, my delegation will vote in favour of the draft resolution contained in document A/57/L.5.

Mr. Muchetwa (Zimbabwe): We are once again considering agenda item 26, "Necessity of ending the economic, commercial and financial embargo imposed by the United States of America against Cuba", which we think should have been done long ago. We cannot conceal our dismay at the failure by a few of our Members to ease the inhuman treatment being meted out to other States.

Zimbabwe considers that unilateral measures such as the embargo imposed on Cuba, which is of a coercive and extraterritorial nature, have an adverse impact on the legal framework defining economic and commercial exchanges between nations, and undermine the efforts that have been made to achieve continental and subregional economic integration.

General Assembly resolution 56/9 of 27 November 2001 once again expressed concern at the formulation and application by Member States of laws and regulations such as that promulgated on 12 March 1996 known as the "Helms-Burton Act", the extraterritorial effects of which affect the sovereignty of other States, the legitimate interests of entities or persons under their jurisdiction and the freedom of trade and navigation. The resolution once again urges those States that have and continue to apply such laws and measures to take the necessary steps to repeal or invalidate them. In that regard, Zimbabwe's legal system does not recognize the validity of the application of measures with extraterritorial effects. Companies located in Zimbabwe are subject exclusively to Zimbabwean legislation.

Measures by any country which violate the provisions of resolution 56/9 and which attempt to compel citizens of a third country to obey foreign legislation, affect the interests of the international community as a whole and violate generally accepted principles of international law. They should be reviewed and changed where appropriate in order to bring them into conformity with international law.

We believe that differences and problems existing between countries should be resolved through peaceful dialogue and negotiation on the basis of equality. The economic, commercial and financial embargo imposed by the United States of America against Cuba, which has lasted for so long, serves no purpose other than to keep tensions between the two neighbouring countries high and to inflict tremendous hardship and suffering on the Cuban people, especially women and children. The embargo, which remains in force, seriously jeopardizes the legitimate rights and interests of Cuba and other States, as well as freedom of trade and navigation, and should, in accordance with the purposes and principles of the Charter and relevant United Nations resolutions, be brought to an end.

My delegation will therefore support draft resolution A/57/L.5, which is before us, and we urge other peace-loving members to support it also.

Mr. Nakkari (Syrian Arab Republic) (*spoke in Arabic*): The principles and purposes of the Charter reaffirm the right of States to sovereignty and territorial integrity and to non-intervention in their internal affairs. All Members of the United Nations, and the major Powers in particular, are supposed to demonstrate respect for the Charter, which is the constitution of the Organization and sets out its definitive terms of reference. The embargo that has been imposed on Cuba for more than 40 years has done a great deal of economic, political and social harm, and has worsened the suffering of the Cuban people,

especially that of children and the elderly. The embargo has also had a negative effect on the ongoing efforts of the Cuban people to achieve well-being and prosperity.

My delegation pays tribute to Cuba for expressing its readiness to bring about the lifting of the embargo through dialogue. We support Cuba's sincere call for the holding of constructive dialogue with the United States in order to settle all the differences and disputes between the two sides, on the basis of the sovereignty equality of States, mutual respect, non-intervention in the internal affairs of States and respect for the purposes and principles of the Charter and the principles of good-neighbourliness.

My delegation believes that normalization of relations between the United States and Cuba would certainly serve the interests of the peoples of both countries. My delegation would like to reaffirm the right of peoples freely to choose their economic, political, social and cultural systems, in accordance with international law.

The international community's increasing support for lifting the embargo imposed on Cuba is a reaffirmation of the need to respect the economic, social and political system chosen freely by a State in accordance with the interests that it considers appropriate. In this respect, we would like to refer to the ministerial declaration of the Non-Aligned Movement, adopted at Cartagena, Colombia, which called upon the United States to put an end to the embargo imposed on Cuba because it contravenes the Charter of the United Nations, international law and the principles of good-neighbourliness.

We would like to refer to the agreement among developing countries reached at the South Summit of the Group of 77 and China, held at Havana, which categorically rejected the imposition of any rules or regulations with extraterritorial effects and of any coercive economic measures. During that Summit deep concern was expressed about the negative effects of economic sanctions on the development capability of targeted countries, and a special appeal was made, on behalf of all the leaders of the developing countries, for the immediate lifting of the embargo imposed on Cuba.

The international community has continued to express its rejection of unilateral sanctions and of their expansion through legislation such as the Helms-Burton Act, which is extraterritorial in character and which violates the sovereignty of other States that deal with Cuba. This contravenes the principle of equal sovereignty among States. Experience has shown that the sanctions system causes enormous material losses and does economic harm to civilians in targeted countries.

My delegation therefore hopes that all forms of embargo imposed by the United States on Cuba will be lifted. We also hope that the United States will heed the voice of the international community, as expressed in the General Assembly and in other forums. On that basis, Syria will vote in favour of draft resolution A/57/L.5.

The President: We have heard the last speaker in the debate. We will now proceed to consider draft resolution A/57/L.5.

I shall now give the floor to those representatives who wish to speak in explanation of vote before the voting.

May I remind delegations that explanations of vote are limited to 10 minutes and should be made by delegations from their seats.

Mr. Nakata (Japan): Japan shares the concerns expressed by many delegations today regarding the extraterritorial application of jurisdiction arising from the Helms-Burton Act of the United States, which is likely to run counter to international law. My Government has been closely following the implementation of the legislation, as well as the circumstances surrounding it, and our concerns remain unchanged. For that reason, my delegation will vote in favour of draft resolution A/57/L.5.

While Japan supports the draft resolution, it has some doubt as to whether the General Assembly is in fact the most suitable forum in which to address the very complex issue of the United States embargo against Cuba. Japan believes that it is desirable for both countries to seek a solution through bilateral dialogue. We therefore call upon them to strengthen efforts towards that end.

Mr. Rim Song Chol (Democratic People's Republic of Korea): My delegation is taking the floor to explain its position before the vote on draft resolution A/57/L.5, which was submitted by the delegation of Cuba. To oppose the imposition of unilateral sanctions on that sovereign State is the consistent position of the Government of our Republic. The unilateral and extraterritorial sanctions imposed by

the United States against Cuba are a result of the hostile United States policy against Cuba, which seeks to change that country's political, economic and social system and which constitutes a violation of the principles of respect for the sovereign equality of States, non-intervention and non-interference in their internal affairs, and freedom of international trade and navigation, embodied in the Charter of the United Nations and in international law. The United States sanctions against Cuba have a negative impact on the lives of the Cuban people, obstruct economic development, impede the rights to life and development and cause damage to third countries that have economic and trade relations with Cuba.

In that context, my delegation strongly urges the United States to end the economic, commercial and financial embargo against Cuba at the earliest possible date, in conformity with the demands of the international community. We will therefore vote in favour of the draft resolution.

The President: We have heard the last speaker in explanation of vote before the vote.

The Assembly will now take a decision on draft resolution A/57/L.5.

A recorded vote has been requested.

A recorded vote was taken.

In favour:

Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Cape Verde, Chad, Chile, China, Colombia, Comoros, Congo, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Democratic Republic of the Congo, Denmark, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, Equatorial Guinea, Eritrea, Estonia, Fiji, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Monaco, Mongolia, Mozambique, Myanmar, Namibia, Nauru, Nepal, Netherlands, New Zealand, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Sao Tome and Principe, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, Somalia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Tonga, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Tuvalu, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Yugoslavia, Zambia, Zimbabwe

Against:

Israel, Marshall Islands, United States of America

Abstaining:

Ethiopia, Malawi, Nicaragua, Uzbekistan

Draft resolution A/57/L.5 was adopted by 173 votes to 3, with 4 abstentions (resolution 57/11).

The President: Before giving the floor to speakers in explanation of vote on the resolution just adopted, may I remind delegations that explanations of vote are limited to 10 minutes and should be made by delegations from their seats.

Mr. Moesby (Denmark): I have the honour to speak on behalf of the European Union. The countries of Central and Eastern Europe associated with the European Union — Bulgaria, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia and Slovenia — and the associated countries of Cyprus and Malta, as well as the European Free Trade Association countries of the European Economic Area Iceland and Norway align themselves with this explanation of vote.

I have the honour to take the floor on behalf of the European Union with reference to the resolution entitled "Necessity of ending the economic, commercial and financial embargo imposed by the United States of America against Cuba". The European Union believes that the United States trade policy towards Cuba is primarily a bilateral issue. However, the European Union would like to reiterate its opposition to the extraterritorial aspect of the United States embargo that has been implemented in accordance with the Cuban Democracy Act, of 1992, and the Helms-Burton Act, of 1996.

The European Union cannot accept that its economic and commercial relations with third countries should be restricted through unilateral measures imposed by the United States on specific countries, in this case on Cuba. Therefore, in November 1996 the Council of Ministers of the European Union adopted a regulation and a joint action aimed at protecting the interests of natural or legal persons from the European Union against the extraterritorial effects of the Helms-Burton Act.

It was encouraging that, during their summit in London in 1998, the European Union and the United States agreed on a package of measures involving, inter alia, United States agreement to suspend titles III and IV of the Helms-Burton Act and not to adopt any further extraterritorial legislation of that kind, as well as agreement on both sides to increase investment protection. The European Union trusts that the United States Government will continue to act in accordance with the commitments made.

The European Union's policy towards Cuba is clear. The Union adopted its common position on Cuba in December 1996, a position that is still in effect. The main objective of the European Union in its relations with Cuba is to encourage a process of gradual and peaceful transition to pluralistic democracy and respect for human rights and fundamental freedoms, as well as improvement in the living standards of the Cuban people. We wish this process to move forward as fast as possible.

Unfortunately, the European Union continues to be concerned about the political and economic situation in Cuba. On the political side, the European Union hopes to see lasting substantial improvements in the situation, particularly as regards full respect for human rights. The European Union emphasizes the responsibility of the Cuban authorities regarding human rights such as civil and political rights. In that connection, the Union urges them to liberate and fully integrate into society all prisoners of conscience. We appeal to the Cuban authorities to cooperate fully with international human rights bodies and mechanisms.

On the economic side, the European Union acknowledges the measures taken by the Cuban Government to improve the country's economic integration into the region. The Union considers that gradual and irreversible opening up of the Cuban economy to the outside world continues to be necessary. In this area, the European Union welcomes further cooperation in order to modernize the Cuban economy and enable it to become more competitive in the international market. Economic growth is essential to address poverty alleviation in the country. In that respect, the negative consequences of the economic, commercial and financial embargo imposed by the United States of America on the Cuban population is working contrary to our hopes for a democratic and prosperous Cuba.

For all those reasons, the European Union unanimously voted in favour of the resolution that has just been adopted.

Mr. Isakov (Russian Federation) (*spoke in Russian*): The Russian Federation, like the overwhelming majority of other States Members of the United Nations, firmly rejects the United States embargo against Cuba and favours its repeal. Our position on this matter has been steady and consistent. At previous sessions of the General Assembly, Russia has voted in favour of all draft resolutions calling for an end to the economic, commercial and financial embargo imposed by the United States against Cuba. The Russian Federation believes that the ongoing embargo against Cuba is not consistent with the times or with present-day international relations and that it is a relic of the cold war that has no place in the realities of the twenty-first century. We are also firmly against any extraterritorial measures, such as the Helms-Burton Act, which contravenes the basic norms and principles of international law.

Favouring all realistic steps designed to normalize United States-Cuban relations, Russia notes with regret that there continues to be a focus on the method of sanctions against the Republic of Cuba. Russia is convinced that lifting the economic,

commercial and financial embargo against Cuba would be a major step towards normalizing relations between Havana and Washington, D.C., which would be in the interest of the peoples of Cuba and of the United States and would have a beneficial impact on the overall situation in the Central American and Caribbean region.

Supporting the basic principles of the United Nations Charter and those set forth in the resolution — on the sovereign equality of States, non-interference in their internal affairs and freedom of international trade and navigation — Russia confirms its intention to continue to develop normal trade and economic relations with Cuba. Those relations are based on common interests and mutual benefits and are conducted in strict accordance with our obligations under the Charter and the generally recognized principles and norms of international law, free of discrimination and without detriment to the legitimate rights and interests of the parties.

Guided by the same fundamental principles of the Charter, we believe that any discriminatory measures or interference in the affairs of either party are unacceptable. In keeping with its position, stated at the last session of the General Assembly and at this session, Russia voted in favour of the draft resolution calling for the embargo to be lifted. We express the hope that the normalization of Cuba-United States relations, for which the international community has consistently expressed its support, will become a reality in the near future.

Mr. Moura (Brazil) (*spoke in Spanish*): My delegation has the honour to speak on behalf of the countries of the Common Market of the Southern Cone (MERCOSUR) — Argentina, Paraguay, Uruguay and Brazil — and the associated countries Bolivia and Chile. As in past years on similar texts, the countries and associated countries of MERCOSUR voted in favour of the resolution just adopted by the Assembly.

The application of unilateral coercive measures does not contribute to the promotion of a democratic system or to respect for and protection of human rights. Disputes between States must be resolved through constructive dialogue and understanding. Coercive measures, such as sanctions or embargoes, are exceptions that should be resorted to only when all other means have been exhausted, and, in any case, they should based firmly on international law.

The extraterritorial application of domestic laws runs counter to the need to promote dialogue and guarantee fulfilment of the purposes and principles of the Charter, and infringes the sovereignty of States. Sanctions and embargoes that are not in keeping with the norms of international law only contribute to increasing tension. When they affect the interests of third States, as is the case here, the international community has even greater reasons to be concerned and to speak out.

Aside from having been repeatedly rejected by the General Assembly, the economic, commercial and financial embargo imposed by the United States has been rejected by a series of international forums, such as the Organization of American States, Rio Group, the Ibero-American Summit and the Latin American Economic System. The embargo is also not in keeping with the legal obligations of members of the World Trade Organization. Insisting on maintaining that type of punitive measures is damaging to all, and it weakens our fight against the common challenges of our times.

The countries and associated countries of MERCOSUR join in the international community's nearly unanimous rejection of the promulgation and application of that type of unilateral and extraterritorial coercive measures. Aside from the legal aspects, such measures do not contribute to Cuba's full reintegration into the inter-American system.

Mr. Tesch (Australia): Australia shares concerns about the state of human rights and political freedoms in Cuba, but it does not consider that isolating Cuba through economic sanctions is an effective means of achieving human rights and political reform. Australia has consistently expressed its opposition as a matter of principle to the promulgation and application by States Members of the United Nations of laws and measures the extraterritorial effects of which affect the sovereignty of other States, the legitimate interests of entities or persons under their jurisdiction, and freedom of trade and navigation. In Australia's view, such laws and measures are not justified by the principles of international law and comity. Australia is, therefore, concerned about the unilateral extraterritorial aspects of the Helms-Burton Act of 1996. For those reasons, Australia has again voted in favour of the draft resolution submitted under this item.

The President: We have heard the last speaker in explanation of vote.

May I take it that it is the wish of the Assembly to conclude its consideration of agenda item 26?

It was so decided.

Programme of work

The President: Before giving the floor to the next speaker, I should like to make an announcement regarding the programme of work of the plenary meeting of the General Assembly on Thursday morning, 14 November.

As the first item, the Assembly will continue its consideration of agenda item 38, "The situation in Central America: procedures for the establishment of a firm and lasting peace and progress in fashioning a region of peace, freedom, democracy and development". As the second item, the Assembly will resume consideration of agenda item 30, "The role of the United Nations in promoting a new global human order", in order to take action on draft resolution A/57/L.10. Finally, as the third item, the Assembly will consider agenda item 167, "South American zone of peace and cooperation", and will take action on draft resolution A/57/L.7.

The meeting rose at 12.40 p.m.